UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/SR.34
27 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 February 1991, at 3 p.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)
later: Mr. MARTIUS (Germany)

CONTENTS

Statement by the Minister for Foreign Affairs of Uruguay

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

(b) Situation of human rights in occupied Kuwait

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-10857/2919B

The meeting was called to order at 3.30 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF URUGUAY

1. Mr. GROS ESPIELL (Minister for Foreign Affairs of Uruguay) said that his country currently had the satisfaction of being governed by a democratically elected Government, one that respected law and international treaties. More important, however, than the law was the fact that democracy and human rights were not mere formulas in a legal text but a part of his country's life, tradition and history.

2. Concerning the agenda item that was under consideration by the Commission, he had two comments to make. Firstly, the global study of human rights in which the Commission engaged was important because it was something that could be done only in that United Nations forum, where its full significance and dangers could be assessed. There was a difference in kind between such a global approach and the regional approach.

3. There were currently three main systems of human rights protection. The first was the European system, which had the greatest impact and served as a model for the others. However, it had yet to face the challenges of the new Europe, which had emerged over the last year and a half. The second was the regional American system as established in the Charter of the Organization of American States and the Inter-American Convention on Human Rights. To date, 22 States had signed that Convention and 14 had recognized its competence to settle disputes. The achievements in the Americas included the adoption of the Protocol on Economic, Social and Cultural Rights and the adoption, in 1990, of the Protocol on the Death Sentence. A convention on disappearances was being drafted. The African system was more recent and was based on the African Charter of Human and Peoples' Rights. That system differed from the others, in that it was based on the activities of one organization.

4. The agenda item before the Commission, should, however, be viewed in conjunction with another agenda item, the right to self-determination not only in its traditonal form, namely, the rights of peoples but also as a human right in itself, because the right of each person to choose his own destiny was a fundamental right and constituted the basis of all other human rights. Nevertheless, it had to be complemented by a series of economic, social and cultural rights if it were to be effective. Colonialism was a thorough negation of that right.

5. In Uruguay there was currently respect for human rights. The legal framework, consisting both of international law in the form of United Nations treaties and of domestic law, ensured that the law was applied directly by the courts. It was worth mentioning that Uruguay had ratified both the International Conventions on Human Rights as well as the Optional Protocol to the International Convention on Civil and Political Rights because, during the dark days of the 1973-1984 period, it was the activity of the Human Rights Committee and of the Commission that had helped to reveal the serious human rights violations that were occurring in Uruguay. He paid tribute to the work of the Commission in that regard.

6. At the regional level, Uruguay was a party to the Inter-American Convention on Human Rights and recognized its authority in cases of dispute.

Thus it ensured the full application on a day-to-day basis of the rights guaranteed by the Constitution and the law, and created a climate of tolerance in which the violation of human rights was unacceptable.

7. With regard to the current situation in the Gulf, he said that war was an illicit phenomenon prohibited by international law and that armed conflicts were considered licit only in cases of legitimate self-defence. In 1949, when the four Geneva Conventions were being prepared, a distinction had been made between international and non-international armed conflicts. The use of armed force authorized by the Security Council under Chapter VII of the Charter was regarded as an international armed conflict within the general framework of international humanitarian law and the Geneva Conventions.

8. That question had not, however, been studied thoroughly as yet. He therefore stressed the need to go beyond the Geneva Conventions and provide for a more comprehensive international humanitarian law in cases where the international community authorized the use of force with a view to restoring peace and security. In such cases, of course, international humanitarian law must be strictly respected, in particular with regard to the protection of civilians.

9. The right to life and the right to a healthy and ecologically-balanced environment were closely related. The latter right was new, not because it had not previously existed but because its legal recognition was the result of the changing needs of mankind and of modifications in the natural, political, social, economic and cultural framework within which human beings lived. In that connection, he referred to what might be called the problem of people who became environmental refugees because of climatic changes and environmental deterioration. He therefore thought that the United Nations Conference on Environment and Development, to be held at Rio de Janeiro in 1992, should study the problem of the protection of human rights in relation to the environment and development.

10. In conclusion, he wished to state that his country, which had been a member of the Commission for more than 20 years, would like to become a member once again so that it could make its contribution to the valuable work being done in the field of human rights.

11. Mr. Martius (Germany) took the Chair.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (E/CN.4/1991/3, 4, 27, 29-31, 33 and Add.1, 34, 37, 69, 70, 74; E/CN.4/1991/NGO/5 and 35; S/21907; A/45/567, 578, 607, 630, 664, 697; E/CN.4/1990/10, 13, 22 and Add.1, 24-26 and 28 and Add.1)

12. Mrs. GEBREGZIABHER (Ethiopia) said that her delegation's position, as stated in the past, had been that the respect for human rights and freedoms in Cyprus depended on the removal of the root causes of the problems of that

country. Consequently, her delegation had always supported the General Assembly and Security Council resolutions that guaranteed the sovereignty, independence, unity, territorial integrity and non-alignment of Cyprus. In the Commission, her delegation had made every effort possible to contribute to the Secretary-General's mission of good offices and would continue to support all Security Council decisions pertaining to Cyprus, and to stress the need for their full implementation by all the parties concerned.

13. While the progress made regarding the Secretary-General's plan of action to complete the outline of an overall agreement to ensure lasting and viable solutions was encouraging, the negative atmosphere described in his report (E/CN.4/1991/27) was disturbing. She hoped that all the parties concerned would co-operate fully with the Secretary-General to achieve a settlement and ensure the full respect for the human rights of all Cypriots.

14. Despite the resolutions adopted by the Commission calling for the restoration and guarantee of human rights in Cyprus, the exercise of the basic rights ensured by international instruments, in particular, freedom of movement, freedom of settlement and the right to property were being denied. As a result, the plight of thousands of refugees had been a problem for over a decade and a half. She urged the Commission to continue its efforts to ensure the full co-operation of all the parties concerned and create the conditions of peace and justice in the country for the full enjoyment of human rights and fundamental freedoms.

15. Mr. NZEYIMANA (Burundi), speaking on the situations in both Cyprus and Kuwait, said that the problems in both cases resulted from the violation of the essential principles of the sovereignty, independence and territorial integrity of States. General Assembly and Security Council resolutions had called upon all States to respect those principles and had condemned any foreign occupation or attempt at secession.

16. In the case of Cyprus, the international community had also instructed the Secretary-General to continue his good offices to initiate a dialogue between the communities concerned. He hoped that, until the barrier to such a dialogue was torn down, the Commission would, pursuant to its resolution 1987/50, endeavour to ensure full respect for the human rights of all Cypriots, in particular, the refugees, namely, the rights to property, freedom of movement and freedom of settlement. The item should therefore be placed on the agenda for the Commission's forty-eighth session.

17. As for the situation in Kuwait, it would be premature at the current stage to hold an exhaustive discussion of the consequences as far as the violation of human rights was concerned. When the hostilities broke out in the Gulf, his Government had stated its firm support for all the United Nations resolutions condemning the invasion and annexation of the independent and sovereign State of Kuwait by Iraq, as being a violation of the first of all rights, the one on which international relations were based.

18. It was inevitable that a state of war constituted a direct threat to human rights, in respect of the treatment of prisoners and the rights of innocent civilians. In the case of Kuwait, there was the additional factor of the cost of the war and the destruction and waste of vast resources, which contrasted in a surrealistic way with the destitution of so many millions of people.

19. The Commission should declare its grave concern at the incalculable damage being done and, in the absence of a cease-fire or a cessation of hostilities it should call for full respect for human rights in the occupied territories and for the Geneva Conventions relative to the Treatment of Prisoners of War and the Protection of Civilian Persons in Time of War. Such a move would preserve a minimum climate for the post-war examination of the situation and for dealing with the innumerable problems that could be expected to arise in the future.

20. Ms. REYES (International Federation of Human Rights) said that the human rights situation in Guatemala had deteriorated considerably over the past year. Reliable reports from such sources as NGOs concerned with human rights, the Working Group on Enforced and Involuntary Disappearances and, in particular, from the representative of the Secretary-General had produced cold figures and hard evidence of an alarming number of extra-judicial executions, disappearances, torture, massacres of members of peoples' and human rights organizations and of intellectuals and bombing of the defenceless civilian population.

21. The pattern of human rights violations had continued into 1991, and 122 cases of extra-judicial executions had been reported up to 17 February. Those facts proved that, in Guatemala, promises to respect human rights were not enough.

22. The perpetrators of those crimes were the security forces, which operated clandestinely and with complete impunity. The fact that their crimes went unpunished had made a complete mockery of any attempt to administer justice or to establish democracy. Recently, Harvard University had suspended the advisory assistance it had been giving to the Guatemalan Judiciary over the last three years, in protest against the impunity enjoyed by powerful persons who committed violent political crimes and the failure to do anything to investigate those cases.

23. Those who sought to defend their rights, under the Political Constitution of the country, were subjected to persecution and threats. A well-publicized example, both nationally and internationally, was the indiscriminate attack by the army on the people of the town of Santiago Atitlán in December 1990, when 15,000 people went to the military barracks to protest against the attempted abduction of one of them. They were met by gunfire which left 14 dead.

24. The high social costs and the human suffering in Guatemala demanded that the subject of human rights be dealt with urgently and more effectively in the Commission in view of the significant deterioration in the human rights situation in that country. The advisory services provided by the United Nations to the Government of Guatemala were clearly of dubious value. She suggested that the human rights situation in Guatemala should be discussed under agenda item 12 and that a special rapporteur should be appointed to investigate it and report to the General Assembly and to the Commission at its next session.

25. In the case of El Salvador, her organization had submitted a written communication under agenda item 12, to expose the persistent violations of human rights and the continued impunity of the armed forces. The justice system was powerless to resolve the crimes committed by the armed forces

and their paramilitary counterparts, the so-called death squads. On 21 January 1991, the military had brutally murdered 15 peasants in a village near San Salvador, but, instead of identifying the perpetrators, the Government had tried to shield the military who were responsible.

26. Diario Latino, the only newspaper which demonstrated any kind of opposition to the Government and the armed forces, had had its offices burnt down. On 14 February, the armed forces had begun a campaign in the newspaper, Diario de Hoy, against all opposition groups, including her own organization. In view of the situation that prevailed in El Salvador, she urged the Commission to extend the mandate of the Special Representative.

27. Mr. GROSSE (International Federation of Human Rights) said that, while there had been some progress in the human rights situation in Romania, no legislation to guarantee human rights was yet in sight, according to the report by the Special Rapporteur (E/CN.4/1991/30). The Romanian affiliate of his own organization reported continuing violations of human rights.

28. Thus, the work of the Parliamentary commission of inquiry which had been instructed to determine the responsibility of the various protagonists in the clashes in Bucharest from 13 to 15 June had been unsuccessful. After that inquiry, two rival reports had been drafted. The first report, which was pro-Government, asserted that, by occupying University Square, the demonstrators had seriously disturbed law and order. However, it recognized that the police had acted wrongly and that the intervention of the miners had led to excessive violence and breaches of the law. The second report, while mentioning violence by the demonstrators, accused the Government, and particularly the President, of using civilian forces against other civilians and of not having been able to handle the demonstrations by lawful means.

29. The survival, in actual fact, of the institutions of the old régime, especially the Securitate, meant that the former arbitrary practices were still continuing. His organization was concerned, furthermore, about the non-repeal of some of the old régime's repressive laws, which assimilated demonstrations to disturbances of law and order, and under which peaceful demonstrators had been sentenced to terms of imprisonment.

30. Mr. VELASQUEZ (Panama) said that whenever it was a question of defending human rights and fundamental freedoms, the Governments of countries, even democratic ones, were often more concerned about the international sanctions against Governments involved in crimes against humanity than about the oppressed peoples. That unjust attitude clearly made it more difficult for international governmental bodies to act expeditiously on behalf of peoples whose freedoms had been violated. When a diplomat accredited to his Government from a country which had recently given General Noriega an award was asked the reasons for that distinction - when it was public knowledge that the General had not respected the human rights of Panamanians, he had answered that his Government maintained diplomatic relations with Governments and not with peoples. That attitude seemed to be the rule rather than the exception.

31. He recalled that the Universal Declaration of Human Rights made it an obligation for all signatory countries to defend those rights wherever they were flouted in the world. His delegation was aware that the absolute enjoyment of human rights was a utopian ideal and that perfection was not

possible in social, economic and political matters. However, it was also aware that the institutionalization of disregard for fundamental freedoms in a political system was a political and social aberration and clearly unacceptable. In such cases, there was need for active and effective intervention by the international bodies committed to the defence of human rights.

32. With regard to the situation of human rights in Central America, he said that, with the exception of Costa Rica, the pattern of human rights violations was the same throughout the subregion. The military were responsible for enforced disappearances, torture and murders. The armed institutions worked behind the back of the civilian Governments, which were powerless to stop the institutionalized violence. A former President of Guatemala had publicly acknowledged on one occasion his inability to control the military. The situation was even worse when a military man became President.

33. Governments which invested considerable sums in military expenditure and did nothing to develop their peoples committed a crime against humanity. The reason why the underdeveloped countries of Central America and elsewhere required armies was for the purpose of preventing their peoples from enjoying human rights and fundamental freedoms. Those countries purchased costly arms, while children died for lack of vaccines.

34. That had been true of Panama also, up to the time of the overthrow of Noriega. The Noriega régime had purchased 84,000 advanced weapons at a cost of many millions of dollars, while hospitals lacked medicines and surgical equipment.

35. In conclusion, he said that the unrestricted sale of arms to underdeveloped countries by manufacturing countries constituted a serious violation of human rights, not only because it involved trafficking in suffering and death but also because the cost of those weapons soaked up the scarce economic resources of poor countries, leaving nothing for the development of their infrastructures and the health and education of their people.

36. Mr. ZAFAR (Pakistan) said that the people of Jammu and Kashmir, who had been denied their right to self-determination for more than four decades, had risen up against the Indian occupation. Regrettably, however, their legitimate demand for the exercise of their inalienable right to self-determination had been met with massive and indiscriminate use of force by the Indian armed forces.

37. There had been consistent reports of indiscriminate killings, arbitrary arrests, torture, unprovoked assault on peaceful demonstrators, and also molestation and rape of women, which was designed to undermine the self-esteem and honour of the Kashmiri people. Over the past several months, a curfew had remained in force in all major towns of Kashmir for extended periods, seriously disrupting normal life. Restrictions on the movement of people had created food scarcity, and crippled the economy of Kashmir, leaving the population without even basic medical and sanitary facilities.

38. The demand for the right to self-determination of the people of Jammu and Kashmir had acquired a new urgency. As a result of the Indian repression, thousands of Kashmiris had been forced to flee to Azad Kashmir, bringing with them harrowing tales of harassment and torture and the cold-blooded murder of innocent people.

39. Despite a virtual news blackout imposed by the Indian Government on Jammu and Kashmir, some independent observers had managed to gather information on the acts of oppression being perpetrated by India. Prominent among them were Indian human rights organizations themselves. In that regard, he said that four Indian human rights organizations had appointed an eight-member team to assess the situation in Indian-occupied Kashmir. The group had visited Kashmir in March and April 1990 and had reported that, as a result of the curfew, civil life had been totally disrupted.

40. Another Indian human rights group had published a report in July 1990, stating that, quite apart from the curfew régime, the Kashmiris were being subjected to harassment, extortion, torture, killings and rape.

41. Indian human rights organizations were not, of course, alone in documenting Indian human rights violations in Kashmir. In that connection, he referred to a report by the State Department of the United States which described the violence to which civilians in Kashmir were being subjected. Thousands of news reports by independent and internationally known journalists had been documented in 1990 alone. Despite the wide variety of sources, all the reports revealed the same cruel fact of life, namely State terrorism directed against an innocent people.

42. India had attempted to divert international attention from the brutal repression it had unleashed upon a defenceless population, by blaming Pakistan for the indigenous uprising. Nowhere elese in the world were human rights being violated on such a scale with such impunity. It was time that the Commission investigated those serious human rights violations. In that connection, his delegation had proposed, at a previous session of the Commission, the setting up of a panel of members to visit Jammu and Kashmir and to report upon the violations as well as on the underlying causes of the unrest. The Indian delegation had chosen to sidestep the proposal the previous year. However, his delegation maintained the proposal.

43. As India was a neighbour, Pakistan would like to extend the hand of friendship and co-operation to that country, since that was in the interests of both their peoples. However, that should not be at the expense of the legitimate rights and aspirations of the peaceful, law-abiding Kashmiri population.

44. Mr. DIENG (International Commission of Jurists) said that, although human rights groups had time and again brought evidence to the Commission of the most horrible and widespread abuses committed by the Government of Iraq, the Commission had chosen to remain silent. In 1989, for example, his organization had drawn the Commission's attention to the use by Iraq of illegal chemical weapons, its record of mass extra-judicial executions, thousands of disappearances, and the routine use of torture. It had referred to the alarming reports of the Special Rapporteur on summary or arbitrary

executions and of the Working Group on Enforced or Involuntary Disappearances and had said that the Commission's credibility required that Iraq be subjected to special scrutiny. Yet the Commission had voted to take no action on human rights abuses in Iraq.

45. In 1990, following the displacement of nearly half a million Kurds and the destruction of Kurdish villages, his organization, together with other human rights groups, had once again expressed concern over the situation in Iraq. Once again, however, the Commission had voted to take no action.

46. In the circumstances, Iraq must have concluded, after perpetrating the most flagrant abuses on its own population without a word of reproach from the United Nations, that it could do whatever it wished. It had since invaded its neighbour, Kuwait, and inflicted similar horrors on the inhabitants of that country.

47. Impunity bred contempt for the law and his delegation hoped that, the next time the Commission was confronted with abuses of such magnitude, it would not wait until it was too late.

48. The question of impunity also arose at the national level where persons guilty of unspeakable crimes were pardoned. In that connection, the world had been deeply saddened when the President of Argentina had, on 29 December 1990, granted pardons to the leaders of the so-called "dirty war". which had resulted in some 8,900 documented cases of disappearance. It would not go unnoticed in the Commission that Mr. Strassera, the lawyer who had symbolized the conscience of the Argentine nation and of the world during his prosecution of the Generals, had found it necessary to resign his post in protest against the amnesty.

49. Impunity was all the more regrettable when it shielded repressive forces responsible for killing human rights defenders. According to the information he had received, eight human rights monitors had been killed in Guatemala in 1990. There had been no report to date of any serious attempt by the authorities to apprehend and punish the killers.

50. In view of the time constraints, he could not list all the countries in which impunity undermined the rule of law. It was to be hoped that the Commission would truly commit itself to the role of righting universal wrongs and to raising its voice whenever crimes against humanity were committed.

51. Ms. JACQUES (Amnesty International) said that situations of grave human rights violations, wherever they occurred, were the legitimate concern of the world community, and that it was the responsibility of the Commission to examine them and to adopt timely and adequate measures to bring them to an end. In that task, the Commission should take due note of well-attested information from a variety of sources, including the reports of its own monitoring mechanisms.

52. Her organization had often urged the Commission to maintain adequate scrutiny of situations until there had been a demonstrable and sustained improvement. In that regard, she welcomed the decision taken at the Commission's previous session to transfer consideration of the human rights situation in Haiti to agenda item 12 and hoped that the recent accession by

the interim Government to the International Covenant on Civil and Political Rights would lay the foundation for solutions to long-standing human rights violations in that country.

53. However, the Commission's recent consideration of the situation in Guatemala had not corresponded to the gravity of that situation which had, if anything, deteriorated since the removal of that country from consideration under agenda item 12. Perpetrators of human rights violations on a vast scale remained immune from prosecution and widespread "disappearances" and extra-judicial executions continued. The Commission must take urgent steps to address that situation.

54. In recent years, the Commission had failed to take action on flagrant human rights violations in Iraq. The international community had shown considerably more interest in the Iraqi Government's abuse of human rights since the invasion of Kuwait. Yet it was imperative for the Commission to address the long-standing pattern of violations in Iraq in a way that would ensure objective and sustained scrutiny of the situation.

55. A year previously, the Commission had also elected to take no action on the situation in China, despite convincing evidence of the killing, detention and ill-treatment of pro-democracy activists in 1989. The situation of some 26 activists who had been held without charge for periods of 12 to 17 months, in contravention of China's Constitution and law, was of immediate concern.

56. In Myanmar, human rights violations continued at alarming levels. Frequent mass arrests of suspected opponents of the Government had occurred throughout 1990. Many persons were detained without charge or trial, while others had been sentenced to long prison terms by military tribunals. Those tribunals, the procedures of which did not conform to international standards, could also impose death sentences with no possibility of appeal. Reports also persisted of routine and widespread torture and ill-treatment of political prisoners.

57. With regard to Sri Lanka, although the Government had taken some steps to curb abuses since 1989, grave and widespread human rights violations had continued into 1991, in the context of Government measures to suppress armed opposition movements. While abuses by opposition groups, including the torture and killing of prisoners, had been extensive, that did not absolve the Government of its responsibility to curb violations committed by the security forces. During 1990, thousands of persons, including young children, had "disappeared" or had been extra-judicially executed by Government forces.

58. A pattern of serious human rights violations had emerged in Sudan since the military coup of June 1989. New arrests of non-violent opponents of the Government were still being reported every month. Many had been subjected to torture and ill-treatment, usually while held incommunicado in secret detention centres. Most were detained without trial, although a small number had been sentenced after trials that fell far short of international standards of fairness. Those sentenced to death were not allowed to appeal to a higher court or given proper legal representation.

59. In Syria, thousands of suspected opponents of the Government continued to be detained under state of emergency legislation in force since 1963. Most were detained without charge or trial. Some had been held for more than 20 years while others were held in place of relatives sought by the authorities. Untried political detainees had repeatedly been ill-treated and tortured. No official investigation into the deaths of detainees had been carried out.

60. Mr. AL-JADIR (Arab Organization for Human Rights) said that, following the invasion of Kuwait, hundreds of thousands of Arab and foreign workers in Iraq and Kuwait had lost their rights. Some had been killed and most of the others had left as a result of the invasion, the economic embargo and the war against Iraq led by the United States.

61. Among those affected were Palestinians, some of whom had been expelled from the neighbouring Gulf countries because of the Palestine Liberation Organization's stand on the crisis. A number of Yemeni workers had been forced to leave Saudi Arabia after the Saudi authorities had decided to withdraw their work and residence permits.

62. The economic embargo imposed on Iraq and Kuwait raised a serious threat of famine in both countries. It had also led to a rise in oil prices and deprived some countries of the aid formerly received from the Gulf. Undoubtedly, the main losers were the Iraqi and Kuwaiti people, whose very right to life was being threatened by the military operations, as was their right to development.

63. Despite United States assertions that the war was aimed at exclusively military objectives, history had shown that there was no such thing as a "clean war". The facts indicated that the coalition forces had bombed innocent civilians in Iraq, endangering their lives even within shelters. Those forces had bombed and destroyed centres providing vital services such as water, power and communications. Moreover, the concentrated and continuous raids could not but hamper humanitarian relief operations.

64. Despite the blackout on news of civilian deaths, imposed by both the Iraqi authorities and the coalition forces, the reports received by his organization from refugees in neighbouring countries indicated heavy civilian losses. The destruction of the region's economic infrastructure was continuing and the military operations had led to an environmental catastrophe which would be hard to reverse.

65. Immediately following the invasion of Kuwait - a serious denial of the Kuwaiti people's right to self-determination - his organization had called for the immediate and unconditional withdrawal of Iraq, while at the same time expressing its deep concern at the arrival of international military and naval units in the region. It once again stressed the need for an immediate cease-fire on the basis of Iraq's withdrawal from Kuwait and the replacement of all foreign forces by Arab forces. In addition, it once again called upon all the parties concerned to implement the Third and Fourth Geneva Conventions and respect the rules concerning the protection of civilians, relief and the treatment of prisoners of war.

66. The repeated statements by Arab officials throughout 1989 concerning intended structural reforms had amounted to very little. The disregard for human rights and fundamental freedoms, including the right to self-determination, by the rulers in the region as well as international organizations, had led and would continue to lead to catastrophes.

67. The time had come for Arab régimes to re-examine their own legitimacy. It was necessary to conceive of a new Arab régime, one based on the satisfaction of primary needs, respect for human rights, political and intellectual pluralism, free elections and Arab unity arrived at through a referendum. It should also be based on an equitable distribution of wealth and a form of integration to promote independent Arab development and guarantee security and stability for all the peoples in the region.

68. For those reasons, a regional conference on co-operation and security should be convened in order to lay the groundwork for such a régime. A plan similar to the Marshall Plan should be envisaged to rebuild the infrastructure destroyed by the war. Urgent and serious efforts should be made to convene an international conference to discuss the Palestinian question and to ensure the implementation of all United Nations Security Council and General Assembly resolutions. If such a conference was not convened rapidly, that would only confirm the misgivings of most Arabs and Muslims in the third world with regard to the seriousness of Western countries' statements concerning international legitimacy. If that happened, the world would never be free of the cold war between East and West and might also be drawn into hot wars between North and South.

69. Mr. TABIBI (World Muslim Congress) said that the Gulf War had disturbed the peace in a region where the teachings of the great prophets had been intended to bring peace to the world. It was especially deplorable that the killing was taking place between two brother countries. His organization had condemned the invasion of Kuwait by Iraq. No country had the right to violate the sovereignty of its neighbours, and that was the reason why the world had condemned the Soviet Union's invasion of Afghanistan. He hoped that the efforts for a cease-fire would be successful and that the Iraqi army would withdraw from Kuwait.

70. The tragedy of Afghanistan was unique in the century. A small country had defended its freedom and dignity with sticks and stones and had prevailed. Because of the current events in the Gulf, Afghanistan had been forgotten. Its people had been completely uprooted - 1.5 million had been killed, 1 million had been maimed and one third of the population had fled to neighbouring countries. It was to be hoped that the Soviet Union, rather than continuing to give aid to the corrupt régime in Kabul, would persuade it to transfer power to the Afghan people.

71. Mr. GIBSON (Commission of the Churches on International Affairs) said that, from the point of view of human rights, 1990 had probably been the worst of all years under so-called civilian rule. Human rights organizations had reported 482 assassinations and 97 disappearances between January and September.

72. By the end of the year, Guatemala had become the most dangerous country for human rights monitors, with eight having been killed and two having disappeared there in 1990. As in previous years, it was Guatemala's indigenous peoples who continued to suffer, disproportionately, the most basic denials of human rights.

73. Five years of civilian rule had indicated that elections could not automatically be equated with democracy or the protection of basic human rights. There could be no true democracy in Guatemala until militarized social structures were dismantled and the military brought under civilian authority and made accountable for its crimes. He therefore urged the Commission to consider the human rights situation in Guatemala under agenda item 12 and to appoint a special rapporteur for that country.

74. In the months to come, Sudan would face a crisis unlike any other since 1984. Without immediate and massive food supplies, from 7 to 9 million people risked starvation or at least malnutrition. The crisis was partially the result of drought, but mostly of the civil war and of the Sudanese Government's policies. That Government had consistently refused to acknowledge the existence of famine and, accordingly, donor Governments had not been able to respond with relief programmes. He urged the Commission to press the Government to allow the international community to respond to the threat of famine.

75. Human rights violations in El Salvador continued to demand the attention of the international community. Despite the signing in July 1990 of the Agreement on human rights by the Government and the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front), abuses of basic civil and political rights had continued almost unabated. Human rights workers, trade unionists, teachers and church workers continued to be the victims of death squads, death threats, arbitrary arrests and detention.

76. The World Council of Churches had yet to receive any evidence to show that the death squads were anything other than the military in civilian clothing. The incapacity or unwillingness of the Government to bring to trial those responsible for the November 1989 murder of the Jesuits was further proof of the inadequacy of its human rights policy. The impunity of the armed forces continued to be the most important factor in systematic violations of human rights.

77. Sri Lanka was caught in a seemingly intractable internal conflict accompanied by abuses of basic civil and political rights. There were persistent reports that all parties to the conflict had carried out summary executions, disappearances and torture of human rights workers and other innocent civilians. He urged the Commission to adopt a resolution on Sri Lanka expressing its concern at the serious and ongoing violations of human rights and fundamental freedoms in that country.

78. Ms. BECK (World Movement of Mothers) said that the sale of children for purposes of adoption, prostitution, pornography, work and other forms of exploitation was a problem that needed to be dealt with urgently by all family and education organizations throughout the world.

79. While there might be abuses regarding adoption, as pointed out by the Special Rapporteur in his report (E/CN.4/1991/51, paras. 15-16), the children who were sold for purposes of adoption needed, above all, to be brought up in families rather than on the street or in institutions. She thus appealed to the countries affected to put concern for the happiness of the children above interminable bureaucratic delays which hampered parents who wanted to adopt children. If they did so, that problem would soon disappear.

80. Regarding child labour, she quoted an ILO publication which said that a ban on children working might increase the distress of millions of families. Moreover, such a ban would also increase child prostitution. Consequently, the preliminary report should propose appropriate economic and social measures to combat child exploitation by promoting family and school education.

81. Regarding the problem of child prostitution, she felt that it was aggravated by sexually-oriented tourism which had resulted in an increase in the number of paedophiles and young male prostitutes. It also led inevitably to drug addiction, pornography and the spread of AIDS.

82. As for pornography, the lurid magazines which were worth millions had nothing to do with freedom of expression but out of base instincts of avarice pandered rather to the demands of increasingly perverted customers. To meet those demands, the producers used all modern communications media to promote the industry. Bombarded as they were with adult pornography by the press, radio, television and videos, children became sullied and ready to imitate what they saw. Child exploitation for the purposes of pornography was also a form of slavery.

83. She trusted that definite positions would emerge from the Commission's discussion on the subject. The Special Rapporteur's report indicated the role that Interpol, the World Tourism Organization and political circles could play in applying the declarations that had often been made on the subject. She urged the authorities at all levels to take practical steps to apply the existing laws.

84. Mr. EMERY (International Association of Democratic Lawyers) said that the Government of Turkey had suspended, in Turkish Kurdistan, application of those provisions of the European Convention on Human Rights concerning the prohibition of torture. Since the beginning of the Gulf crisis, the human rights situation in the south-eastern part of that country had deteriorated, with mass deportations of hundreds of persons to other regions, where they were sheltered in tents, without food, medicine, water or warm clothing.

85. There had been numerous report of summary executions and torture, the victims having been labelled "terrorists". Persons who spoke the Kurdish language risked detention, persecution and mistreatment. Mr. Veyat Aydin, delegate to the Third Congress of the Turkish Association for Human Rights at Diyarbakir, had been arrested, together with Ahmet Zeki Okçuoglu and Mustafa Ozer, for having made a speech in Kurdish. The writer and sociologist Ismaïl Besikçi had been charged with "separatist" propaganda. The Criminal Court of Izmir had recently dropped charges against three policemen accused of having tortured Yüksel Yagiz.

86. The Turkish authorities must release Veyat Aydin and the other persons arrested with him, as well as all those detained without legitimate charges being brought or who had not received a fair trial. The Turkish authorities must also stop the persecution, illegal and arbitrary detention, torture and deportations in the south-eastern part of the country and must assist persons who had been displaced.

87. His organization had received information that, since the beginning of August 1990, villages in the south-eastern part of the country had been destroyed and their inhabitants deported. It had also been learned that a political prisoner, Mr. Sükrü Göktas, had been tortured and was in critical condition. Mr. Göktas must receive urgent medical attention and be released for humanitarian reasons.

88. There could be no peace in a region where 25 million Kurds lived until account was taken of their existence. The United Nations must open a file on their situation.

89. The Human Rights Commission of Guatemala had asked his organization to report that, in view of the seriousness of the flagrant human rights violations in that country, a special rapporteur should be appointed to consider the case of Guatemala under agenda item 12 and a resolution adopted reflecting the Commission's concern about the situation there.

90. The Human Rights Commission of Guatemala had also called upon the new Government to abolish the civil defence patrols, to put an end to institutional impunity, to guarantee the total autonomy of the judiciary, to create a Commission to investigate the more than 40,000 detainees that had disappeared, to stop immediately the repression of the trade-union movement, to dismantle the secret apparatus of repression, to demilitarize society, to reduce the size of the army, and to declare unconstitutional the decree of August 1986 allowing for impunity of members of the armed forces and civilians responsible for human rights violations and the decrees of the military Government from 1982 to 1986 prolonging the repression.

91. Mr. LUTHI (International Human Rights Internship Program), having called upon the Commission to condemn the murder in Switzerland of the Iranian Kasem Rajavi by agents of his Government, said that large numbers of Iranians were detained without trial in the Islamic Republic of Iran and many had been executed, their families not being informed until after the fact. The numerous violations of human rights in a neighbouring country did not mean that summary and arbitrary executions and other human rights violations in Iran should be ignored.

92. His organization wished to alert the Commission to the human rights situation in Albania. In 1990, the Minnesota Lawyers International Human Rights Committee had published a report concluding that the Albanian Government had been responsible for numerous human rights violations, in particular with regard to freedom of movement, freedom of thought, conscience and religion, freedom from arbitrary detention and torture and freedom of assembly. Soon after the Committee's report, the Albanian Government had announced its intention to implement reforms in many of those key areas but, after analysing information on those proposed reforms and the current human rights situation, the Committee had found that several areas of concern remained.

93. Albania must be encouraged to ratify and implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Although the Albanian Government had significantly improved its legislation regarding freedom of movement, it still retained strict control over the right of citizens to leave the country and return. It was selective in its granting of passports, and it required applicants to answer questions concerning political affiliations. Recent refugees had testified that guards had shot at them as they had attempted to cross the border.

94. The Government had removed a provision banning "religious propaganda" from the Criminal Code, but several provisions expressedly prohibiting religious organizations remained in the Constitution. The draft constitution still contained vague and derogatory language that could be used to continue religious discrimination.

95. There had been numerous reports of Government-sponsored torture of detainees as recently as December 1990. Freedom of assembly, while tolerated, was hedged about with so many restrictions as to make any real participation in the democratic process impossible.

96. Many more reforms must be introduced before Albanians enjoyed even the most basic human rights, such as freedom of movement, freedom from arbitrary arrest and torture and freedom of assembly. The Commission must continue to monitor the human rights situation in Albania under item 12 and press that country to comply with internationally recognized human rights standards.

97. Ms. PERREGAUX (Centre Europe - Tiers Monde) said her organization was concerned about the reports of violations of the human rights of the Kurds of Turkey and the situation in Sri Lanka and Eritrea. Many persons from those three regions had found their way to Switzerland in the hope of being granted asylum. They did not always meet the strict Swiss definition of refugees, and the Swiss Government had demonstrated intolerance towards 17 Kurds requesting asylum, who had been deported despite widespread appeals. It was to be hoped that the right to asylum would be respected in all European countries in a more humane fashion.

98. Her organization was alarmed at the violations of human rights in Moroccan prisons where Saharan civilians were detained. None of the reports had been denied by the Moroccan Government.

99. The situation in Western Sahara itself, occupied by the Moroccan armed forces and administration, was appalling. Large numbers of Moroccans had been settled in the occupied areas of Western Sahara, and the Saharan population had been subjected to forced Moroccanization, aimed at erasing every trace of the Saharan culture.

100. She drew the Commission's attention to the 200 former Moroccan prisoners unconditionally liberated by the Frente Popular para la Liberación de Saguia el-Hamra y el Río de Oro (Polisario Front) in May 1989, who had been denied the right to return home by the Moroccan Government. The International Committee of the Red Cross had already protested against that flagrant violation of the Geneva Conventions. Although two years had elapsed, Morocco

continued to refuse to repatriate its own soldiers, some of whom were ill, had lost limbs or were, in certain cases, more than 70 or 80 years old and who had been prisoners for 14 years.

101. Persons and organizations wishing to visit Morocco to investigate the situation had been refused entry into the country, and it was therefore essential for the Commission to send a working group to Morocco and Western Sahara to look into the situation there.

102. Mr. ZUCKERMAN (International Human Rights Law Group) said that although the first anniversary was nearing of the elections in which the National League for Democracy (NLD) had won an overwhelming majority of seats in the People's Assembly of Myanmar, the military régime still continued to resist the transfer of power to those duly elected representatives. Credible reports persisted of torture, summary execution and mass detention of the régime's political opponents. The Government of martial law had been particularly severe with the NLD, at least 18 of the 22 principal leaders of that party reportedly being under house arrest or in prison.

103. In November 1990, a military tribunal in Yangon had sentenced NLD leaders U Kyi Maung and U Chit Khaing to 10 years in prison on charges of spying. In the past three months, the deaths of two NLD representatives in military custody had been reported under circumstances that raised questions about the conditions of their detention.

104. For the past year and a half, the NLD's General Secretary, Aung San Suu Kyi, had been under house arrest and had been denied all outside contact. The NLD Chairman, Tin U, was still serving a three-year prison sentence imposed for political offences, and U Nu, the leader of the recently banned League for Democracy and Peace, also remained under house arrest.

105. The military Government's renewed counter-insurgency campaigns in ethnic minority areas had resulted in arbitrary detention, torture, extra-judicial executions and death by mistreatment of hundreds of civilians abducted by the army to perform forced labour.

106. With regard to Zaire, his organization remained concerned at the reports over the past year of extra-judicial killings, arbitrary arrest and detention and violations of the right to freedom of speech, political association and assembly. The reported instances of intimidation appeared directly connected with Government-supported efforts to contain the growth of a multi-party system in the country.

107. In May 1990, a premeditated attack by security forces on university students in Lubumbashi had left at least a dozen students dead. The attack followed student demonstrations to protest the announced delay in the timetable for a transition to a multi-party political system. The Government had refused to disclose the number of dead and their place of burial or to investigate and prosecute those responsible for the incident. Attempts by independent groups to gather information and bring legal action in connection with the killings had faced official opposition and, in some cases, direct intimidation. The Lubumbashi campus had been closed since the incident, and a

student leader, Digekisa Piluka, had been detained on charges of founding an unauthorized political group and inciting the attack at Lubumbashi. Since August 1990, the Government had banned further political meetings or rallies.

108. With regard to Guatemala, although that country was party to a number of international conventions and its own Constitution provided guarantees similar to those found in international instruments, violations of the most basic human rights protected by those conventions persisted. During 1990, more than 500 extra-judicial killings had been reported, many of them reliably attributed to the military. The army was also reported to have used force to displace civilians and conscript youths in the countryside. Government investigation and action in response to such human rights abuses was minimal, and judicial mechanisms for redress remained ineffective. Few habeas corpus cases advanced beyond the initial procedural stages. In many cases, the courts did not even act on petitions filed concerning disappearances or illegal detainees.

109. His organization thus appealed to the Commission to call upon the Government of Myanmar to release all political prisoners and to transfer power to the duly elected representatives; to take up consideration of Myanmar under the procedure provided under Economic and Social Council resolution 1235 (XLII) and to report on the political repression, detention, torture, forced labour and extra-judicial killings there. It should also call upon the Government of Zaire to investigate fully the Lubumbashi massacre and other violent incidents of political repression and prosecute those responsible and to take measures to comply with its obligations to ensure the protection of fundamental human rights. The Government of Guatemala should likewise be urged to respond to specific allegations of extra-judicial killings and forced or involuntary disappearances and to expand efforts to include both a renewed study of human rights violations and specific assistance in the development of measures to be used by investigative agencies and courts in responding to petitions involving disappearances.

110. Mr. PHEKO (Pan Africanist Congress of Azania) wished to draw attention to the fact that South Africa continued to be a colony, made up as it was of the union of four British colonies, which had been united for the purpose of maintaining colonial control over the black majority. South Africa was the result of a manipulation of international law by a colonial power. Its membership in the League of Nations and the United Nations did not make it an independent State.

111. It was strange that States claiming to be champions of human rights were so inconsistent in applying those principles. Mandatory and comprehensive sanctions had been resisted in South Africa, and Namibia had been occupied illegally by South Africa for over 22 years but, unlike the current situation in the Gulf, force had not been used to compel it to withdraw. Instead, certain members of the Security Council had used their veto to protect South Africa. Israel had occupied Arab territories with impunity since 1967, violating their sovereignty. The people of Palestine had been driven out of their country 42 years previously, but the United Nations had not intervened and had not even imposed sanctions.

112. Africa had been destroyed politically, economically, culturally and technologically when it was divided up among the European Powers at the end of the nineteenth century. That colonialism had left Africa poor and had led to the current crushing debt burden. Yet Africa had never received reparations for the damage sustained as a consequence of colonialism.

113. Certain delegations had referred to negotiations between the South African régime and the African National Congress (ANC). The Pan Africanist Congress of Azania was not bound by those agreements, which were a private matter between the Pretoria régime and the organization concerned.

114. The Pan Africanist Congress of Azania recognized only the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa of 14 December 1989 as a basis for genuine negotiations with the racist colonialist régime of South Africa. It rejected the introduction of any extraneous elements, including the undemocratic suggestion for a "multi-party congress" favoured by Mr. De Klerk instead of an elected constituent assembly. The Pan Africanist Congress of Azania called upon the international community to abide strictly by all the terms of the United Nations Declaration of 14 December 1989.

115. Mr. PHILIPS (Minority Rights Group) said that Governments, NGOs and the international community seemed to have become more aware of minority issues in recent years. However, it was essential to translate that awareness into action and to prevent conflicts involving minorities from escalating into gross violations of human rights. The Minority Rights Group believed that it was time to develop new preventive measures, including the adoption of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and the adoption of strong implementation machines for the Declaration.

116. In Romania, the Commission's Special Rapporteur might identify constructive programmes to strengthen the human rights of both majority and minority groups, as well as programmes which would enhance inter-community co-operation. Technical assistance programmes and trade, investment and aid policies of Governments and specialized agencies should be coherent and designed to support democratic structures and minorities without power, rather than avoiding the issue or actively supporting those who violated the rights of minorities.

117. On several occasions, his organization had called upon the United Nations and its members to respond to human rights abuses, especially those affecting minorities in the Middle East. In a 1987 report, it had described the disadvantages experienced by Palestinians under Israeli administration in many respects, noted the increasing expression of dissent and predicted the intifada, in which more than 700 civilians had been shot dead and more than 80 had died from the effects of tear-gas. In 1990, his organization had reported on the situation of the bedouin people of the Negev in southern Israel, who were denied land rights and control of their own local councils and budgets. Reports on both those situations were available to members of the Commission. The Palestinian issue was now high on the international agenda, but it had taken a major war to achieve that situation.

118. His organization had been monitoring the situation of the Kurds in Iraq and in other countries in the region since 1973 and it had received evidence of both new and continuing abuses. It noted with concern that Kurds in Iraq were still subjected to forced relocation, most recently from Iraq's "military zone", and to internal exile on a massive scale. As many as 3,000 villagers had been killed over a 10-day period in January 1990 for resisting relocation, and schools, mosques and hospitals had been systematically destroyed. It was conservatively estimated that over 700,000 Kurds were currently living in barbaric conditions in resettlement camps, where outbreaks of diarrhoea and food poisoning were common. Since 1988, a total of 7,522 Kurds had been arrested or executed without trial, or had simply disappeared, after returning to Iraq under the various amnesties.

119. The world had failed to heed the warning provided by Iraq's acts of genocide against its own Kurdish minority, such as the chemical weapons attack on Halabja in March 1988 in which at least 6,000 Kurds were thought to have died. It was not surprising that a State capable of such an act should disregard the rights of the neighbouring country of Kuwait. His organization called upon the Commission to condemn Iraq for its gross and systematic violations of human rights, its use of chemical weapons, its invasion of Kuwait and its abduction of members of minority groups. The Commission should recommend to the Security Council that it seek an advisory opinion from the International Court of Justice, pursuant to Article 96 of the Charter of the United Nations, as to whether Iraq's conduct against its Kurdish minority constituted acts of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide. The Commission and all States Members of the United Nations should include the Palestinian and Kurdish issues in any discussions on the political future of the Middle East and offer the Kurds and Palestinians international support for their rights, including restructuring aid and trade agreements.

120. Mr. Bernales Ballesteros (Peru) resumed the Chair.

121. Mr. BOS (Baha'i International Community) called the Commission's attention to the situation of the Baha'i community in the Islamic Republic of Iran; that community had suffered unremitting and systematic persecution for the past 12 years. The efforts of the Commission and, indeed, the General Assembly, to intercede on behalf of the Baha'is had brought about significant improvements in the situation of a number of individual Baha'is. There had been no executions of Baha'is since 1988, and the number of cases of torture and imprisonment had dropped sharply.

122. However, the basic problem still remained; under the Constitution of the Islamic Republic of Iran, the Baha'is enjoyed no human rights as Iranian citizens. They were considered as "unprotected infidels" and could be persecuted with impunity. Since 1979, 197 Baha'is had been killed and 15 others had disappeared without trace. As of 3 January 1991, 7 Baha'is were still in prison, and 11 more had been arrested between December 1990 and January 1991. Many Baha'is were denied retirement pensions, work permits and unemployment benefits, and they were not allowed to enter university unless they renounced their faith. Baha'is were denied the right to leave the country.

123. The Baha'is were unable to express their religious beliefs freely. Many of their holy places and historical sites had been destroyed, and their administrative institutions, which carried out work done in other religions by the clergy, were not allowed to operate.

124. His organization wished to express its deep appreciation of the efforts of the Commission's Special Representative on the human rights situation in the Islamic Republic of Iran, Mr. Galindo Pohl. His interim report to the forty-fifth session of the General Assembly (A/45/697) described his second visit to the Islamic Republic of Iran in November 1990, during which he had talked with three members of the Baha'i community. A specific section of the report was devoted to the situation of the Baha'i community, using evidence obtained from official government documents.

125. The Baha'i International Community appealed to the Commission to consider in particular two recommendations in the Special Representative's interim report. The first called upon the Iranian Government to ensure the fair and equal treatment of the Baha'i community and the second requested the Commission to continue to monitor the human rights situation. The Baha'is were a peace-loving community, bound by the principles of their faith to obey the Government of their country, and allegations by the Iranian authorities that they were a subversive political element were utterly groundless and unsupported by objective evidence.

126. In conclusion, he said that the efforts of the Commission over the last nine years had been vital in ensuring the survival of the largest of Iran's religious minorities, was a mark of the invaluable work of the Commission and an inspiration to Baha'is everywhere.

127. Mr. MUYOVU (Burundi) said that the policy of national unity, institutional democratization, respect for human rights and ethnic reconciliation begun three years before by his Government, under the leadership of President Buyoya, had begun to bear fruit. At an extraordinary congress in December 1990, the UPRONA ruling party, had adopted a Charter of Unity, which had subsequently been approved by 89.21 per cent of voters in a national referendum on 5 February 1991. The extraordinary congress had also elected a Central Committee to replace the Military Committee for National Salvation. All ethnic groups were represented on the Central Committee, including the Batwa, who had long been excluded from the Government.

128. The Government planned to draw up a new constitution and a Charter for Development, which would be submitted to public debate and voted upon by referendum before the end of 1991. The Government's main concerns were the consolidation of national unity and the resolution of the refugee problem. The Government was anxious to compensate the victims of the ethnic conflicts of the past, and it had recently upgraded the committee which dealt with the repatriation and reintegration of refugees.

129. Burundi was aware that its ideals of unity, democracy and development could not be realized unless human rights were fully guaranteed. The Government had acceded to the two International Covenants on Human Rights, the Convention on the Rights of the Child and the African Charter of Human and Peoples' Rights. The right to life, freedom and security of the person had been traditionally respected in Burundi society, and the country's legal

system guaranteed human rights and fundamental freedoms. The Charter of Unity enshrined the right to life, the equality of all citizens, the right to education, and the right to property - in short, it laid the foundations of a society built on respect for human rights.

130. Mr. BALIAN (Human Rights Advocates) said that his organization noted with deep concern recent developments in the USSR, where the use of force appeared to be replacing open dialogue; that apparent retreat was bound to have dire consequences for human rights.

131. The sharpening nationalities-conflicts and the Union's response raised at least two concerns: first, as a result of unresolved conficts, violations of human rights and fundamental freedoms occurred in increasing numbers and intensity which, in turn, fuelled further nationalities-conflicts; and second, the conflicts served as a pretext for repressive measures, thus threatening the process of democratization in the Soviet Union.

132. Unfortunately, until recently, the international community had largely chosen to ignore the nationalities-conflicts within the Soviet Union and had failed to heed the warning provided by the conflicts between Armenians and Azerbaijanis in Nagorno-Karabakh in 1988. The Government, too, had failed to respond effectively, dismissing the claims of the Armenian population of Nagorno-Karabakh as "extreme nationalism". The initial assault against human rights had been followed in Soviet Azerbaijan by anti-Armenian pogroms. In January 1991, the democratically elected Governments in the Soviet Baltic republics had been assaulted on the grounds that the unrest there was due to a struggle for power among extremist groups. And yet, the international community still failed to recognize the parallels between the situations, tending to isolate the events in the Soviet Baltic republics from the rest of the nationalities-conflicts. In both cases, the central Government had imposed an economic blockade to counter demands for self-determination, albeit briefly in the Soviet Baltic republics. The forces of the Ministry of Internal Affairs had also been involved in acts of violence against civilians and the suppression of human rights and fundamental freedoms.

133. The international community could assist the Soviet Union and the republics to resolve the problems of nationalities-conflicts peacefully. His organization urged the Commission to express its concern, not only about the situation in the Baltic republics but also about critical developments in the Caucasus, especially the Nagorno-Karabakh Autonomous Province, and in general the nationalities-conflicts within the Soviet Union; to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to conduct a study on nationalities-conflicts within the USSR; to use the expertise of the advisory services to help formulate a peaceful process of law for the resolution of the nationalities-conflicts in the Soviet Union before the situation became irreversible and human rights were totally suppressed; and to appeal to the Soviet authorities to permit observers of intergovernmental organizations, human rights organizations and mass-media reporters free access to areas in turmoil as a result of nationalities-conflicts.

134. His organization had prepared a comprehensive and up-to-date working paper which was available to participants.

135. Ms. PINTAT (Inter-Parliamentary Union) said that her organization's action during 1990 to protect parliamentarians had been based on the twofold concept that the protection of the rights of parliamentarians was a prerequisite to enable them to uphold and promote human rights and fundamental freedoms in their respective countries, and that a parliament's representative character was highly dependent on the observance of its members' human rights. The Inter-Parlimentary Union was closely following the current great upheavals, in which entire peoples were taking their destiny into their own hands, and was ready to provide assistance and advice, from the institutional aspect as well as that of individual members. With regard to the latter, her Organization had been implementing, since 1977, a complaints procedure, described in issue 89/1 of the Bulletin of Human Rights, relating to arbitrary measures against parliamentarians. It defended the rights of the roughly 40,000 members of the 145 national parliaments currently in existence; its sphere of action was limited to them solely because of limited means. The procedure was adversarial and compatible with those of other international forums, such as those provided for by the Optional Protocol to the International Covenant on Civil and Political Rights. The forum was a committee of five parliamentarians, representing the main legal and political systems, meeting four times a year in closed session, and subordinate to the organization's Council, whose members represented the 113 national parliaments members of the Union, as well as the European Parliament and Andean Parliament as associate members. If a matter could not be satisfactorily settled by the confidential procedure, it was reported publicly to the Council; the Union thus had the unique feature, for a non-governmental organization, of being able to voice inter-parliamentary solidarity. Some details had been provided in document E/CN.4/1991/NGO/19.

136. Although the majority of cases heard during 1990 had been settled in confidence, a number had been made public - namely, cases relating to Chile, Colombia, Guinea-Bissau, Honduras, Sudan and Turkey. In the case of Chile, two parliamentary deputies, had disappeared during the régime of General Pinochet. Vicente Atencio Cortés had been among the many persons whose remains had recently been discovered but there was no news of Carlos Lorca Tobar. The Inter-Parliamentary Union had noted with great concern that the Chilean Supreme Court had declared constitutional the decree-Law of 1978 which had absolved all those responsible for human rights violations committed since 1973. The Union considered that, regardless of the Supreme Court's decision and its effect, the relatives of victims had a legitimate right to learn of the fate of disappeared family members, to have their remains returned in cases of death, and to receive appropriate material compensation.

137. In Colombia, over 15 members of parliament, including some presidential candidates, had been murdered in recent years, and others had been victims of abduction and threats. The Union was considering, in public, the case of five Unión Patriótica members; the fact that no one had been brought to book, despite abundant evidence, constituted a grave threat both to members of parliament and to those they represented.

138. In Guinea-Bissau, the Union was trying to shed light on the fate of two members of parliament; despite an official announcement of their release, one might have died in detention and the other might be still confined.

139. In Honduras, inquiries into the assassination of the deputy Miguel Angel Pavon Salazar, after he had submitted testimony to the Inter-American Court, had come to nothing after three years.

140. In Sudan, several members of the parliament unconstitutionally dissolved in June 1989, including the former Prime Minister Sadiq al-Mahdi, had been placed in detention or under house arrest since that time; they should be tried by due process or released at once. There were very disquieting signs of the Judiciary's failure to function in that country.

141. The Union continued to follow the trial in Turkey of members of the Committee for Peace, in which a number of parliamentarians were involved.

142. Arbitrary attacks on a country's elected politicians were a sign that human rights and democracy there were seriously imperilled. The Union was convinced that such persons were the ramparts of freedom for all, and would go on defending them.

143. Mgr. GERARDI CONEDERA (Pax Romana) said that he was Vice-Chairman of the National Reconciliation Commission, Assistant Bishop of the Archdiocese of Guatemala and Co-ordinator-General of the Office of Human Rights of the Archbishopric of Guatemala. Since Guatemala's return to the rule of law in 1986, a new political Constitution had revised many laws and institutions, including the establishment of independent bodies such as the Constitutional Court and the office of Procurator for Human Rights. Vinicio Cerezo had been the first civilian President to be elected in 20 years. That event had, with the help of the international community, conferred a broad mandate on the Christian Democrat Government, and it had been expected that, at the least, a start would be made on the transition to democracy, including a curb on the role of the armed forces' influence on the civilian Government and a restructuring of the State security apparatus. But the President had, in fact, largely avoided the exercise of his authority, the right-wing régime had not responded to the people's expectations, and the democratic experiment was losing credibility. A coup d'état had been attempted in 1988 and again in 1989, without retribution; the civilian Government had not taken over from the traditional bases of power; and the military and intelligence circles were still invoking the doctrine of national security as a pretext for selective political violence, amounting at times to massacre. Action by the civil authorities had generally been feeble and hesitant. The national dialogue which the National Reconciliation Commission had sought to establish, but which business and military circles had boycotted, had led to signature of the Oslo Agreement aimed at a negotiated solution to the civil war which had lasted for over 30 years. The Government which had assumed power on 14 January 1991 under the new President Mr. Jorge Serrano found its legality in question because of poor electoral support; that and the sharply deteriorating social and economic conditions boded ill for the country's human rights situation.

144. Cases of selective violence, including kidnapping, killing and forced disappearances, had continued during 1990; the Office of Human Rights of the Archbishopric of Guatemala had listed, from March to December, 1,293 murders, 70 cases of torture, 98 disappearances and 129 kidnappings. The reported cases of kidnap and torture included that of Dr. Carmen Valenzuela; cases of enforced disappearance included that of José Solis Pajarito, an activist of

the National Council for Displaced Persons; cases of kidnap and extra-judicial execution included those of the Guatemalan lawyer, Gilda Flores, and the Salvadorian Héctor Oquelí; and cases of killings included the murder of 13 Tzutuhil Indians and the wounding of 22 more in Santiago Atitlán, and the murder of a United States citizen, Michael Devine. Threats and physical violence had also been carried out by members of the so-called voluntary civilian self-defence against social and human rights activitists, including the Assistant Procurator for Human Rights.

145. All the cases had been marked by a lack of political will to investigate and bring to book the individuals or institutions responsible. Even when those responsible had been found, they had not been punished. In some instances, the penal system had been at fault or the political will had been lacking; in others, the reason was that those responsible had been tried by a special military court subordinate to the Ministry of Defence. One reason why the Harvard University support programme relating to the administration of justice had been withdrawn had been precisely the lack of political will to punish those responsible for human rights violations; and the United States Government had curtailed military assistance to Guatemala because of human rights abuses, which warranted the world community's attention.

146. A hopeful sign, however, was the current Government's apparent willingness to investigate and punish those responsible for previous violations and to exercise respect for human rights during its term of office. The new President, in his inaugural address, had reaffirmed a solemn undertaking to do the utmost to restore full respect for human rights in Guatemala; he had expressed concern about the signs of grave human rights violations committed by government and security forces and the lack of government action in the face of them.

147. Paragraph 165 of the report by the independent Expert on the situation of human rights in Guatemala (E/CN.4/1991/5) did not measure up to the tragic situation described in the report. Therefore, he appealed to the Commission to call on the Government of Guatemala to initiate investigations in order that those responsible for human rights abuses during the term of office of the previous Government and the early part of the current Government could be identified and punished, and to request the Secretary-General to appoint a representative with a mandate to consider, investigate, monitor and support the progress of human rights in that country. Such international surveillance, by evaluating the current Government's intentions, would provide Guatemala with strong moral support for the strengthening of a young democracy, and would end the supremacy of the forces which had enjoyed impunity for so long.

148. Ms. LACOURT (International Federation - Terre des Hommes) said that her organization had had reason to hope for a progressive improvement in the human rights situation in the Philippines during 1990. The Government had extended valuable co-operation during the visits made on its invitation by two members of the Working Group on Enforced or Involuntary Disappearances and by the Special Rapporteur on Questions of Torture. Her organization was grateful for the reports concerned (E/CN.4/1991/17 and 20/Add.1) and for the work accomplished within the short time allotted. They both alluded to the grave social inequalities and economic problems faced by the Filipino population, but even more clearly to the armed forces' preponderant position and the lack

of civilian control, despite excellent constitutional provisions and the government authorities' will to uphold human rights. Her organization, while in no way condoning violations perpetrated by rebel forces, felt that government authorities alone were responsible for what government forces did.

149. Increasing poverty meant that, for most people, the exercise of basic rights was becoming remoter; for example, fewer and fewer families could afford to send children to school. The continued militarization referred to in both reports continually added to the toll of often unidentified victims, and to the violation of economic and other fundamental rights. The plight of internal refugees had worsened during the past two years. Between January and October 1990, at least 50 cases of mass displacements had been documented; the reported perpetrators had been mainly the army and the Citizens Armed Forces Geographical Units (CAFGUs). As a result of one such operation, some 50 children had died of epidemics or lack of health care, 13 adults had died, 93 homes had been burned and others destroyed by bombing, and 300 tribal families had fled into the forests, before a relief mission had been finally authorized. During the almost 14 years of the Marcos dictatorship, some 4.5 million children had been directly or indirectly affected by armed conflict, as well as some 2 million between 1986 and 1989. Army detachments, vigilante groups and CAFGU members were also often involved in human rights violations against trade-union members, church and other leaders, health workers or others; extra-judicial killings, death threats, arbitrary arrest and torture, as well as the confiscation or destruction of property, were commonplace. Examples were the shooting to death by CAFGU members of three union organizers in Negros Occidental on 22 November 1990, and of Father Narciso Pico. Another example was the murder on 16 September 1990 of José Concepción, a former political detainee apparently suspected by members of a nearby military detachment of still belonging to the rebel movement. Physical elimination could not be tolerated, whatever a person's real or suspected convictions might be. Basic freedoms had become victim to the de facto freedom to shoot or otherwise assault with impunity. The Supreme Court ruling of 9 July 1990, mentioned in both reports, which allowed arrest without warrant on the grounds that suspected subversion remained an offence, violated article 11 of the Universal Declaration of Human Rights.

150. Although the situation of human rights violations in the Philippines could be traced, to a large extent, to an unjust national and international economic order, including factors which dated back to the Marcos dictatorship, her organization agreed with paragraphs 263-266 of the report contained in document E/CN.4/1991/17; in particular, as stated in paragraph 265, the task of guaranteeing the constitutional order could never be carried out through means which were themselves a violation of that same order. As noted in paragraph 270, the State was responsible for the acts of its organs. In paragraph 272, the Special Rapporteur rightly commended the Government for the measures taken to restore the rule of law, but had said that the continuation of serious human rights violations meant that the Government must strengthen its hold on the various executive branches and that the corrective mechanisms must be made more effective. And, in paragraph 273, he had said that all efforts, therefore, should be given to the process of reconciliation.

151. Her organization supported the suggestions made by the Philippine Commission on Human Rights, mentioned in paragraph 261 of the report, and had often reported direct to President Aquino about violations. But the fear and reality of reprisals against witnesses again raised the problem of impunity.

152. Her organization supported paragraphs 166-171 of the report contained in document E/CN.4/1991/20/Add.1, as conducive to improvements in the overall human rights situation in the Philippines. It hoped that the Government's proclaimed sincere commitment to promoting and protecting human rights would be given fuller effect.

153. With regard to the situation in Niger, the violent clashes between the army and Touaregs in May and June 1990 had led to deaths estimated at 400 to 600; compared to that number, the official tally of 73 deaths, including soldiers, was unrealistic. Tension had begun early in 1990 when Touaregs from Libya and Algeria had been invited by the President to settle in nomadic areas in Niger. Violent incidents had resulted in repressive actions against the Touaregs for several weeks: manhunts, arrests and arbitrary executions, infanticide, slaughter of herds and restrictions on water supplies. The army had taken a number of prisoners, and there was irrefutable testimony of cases of torture. Some 80 persons remained in detention in four centres as well as at Niamey, where they were still awaiting trial. Her organization recommended that the Commission should accordingly set up a commission of inquiry and invite the Government of Niger to facilitate the task of NGOs working with families bereaved and destitute as a result of the incidents, and to have justice accorded the Touaregs, in the light of their disadvantaged situation vis-à-vis other population groups in the country.

154. Ms. FAUCHERE (World Confederation of Labour) said that, at a time when world affairs were dominated by the Gulf conflict and the peoples concerned were reduced to silence, the European Convention on Human Rights had been suspended for the region of south-east Turkey, namely, Kurdistan, in August 1990 and the Turkish Government was freely practising all-out tyranny against the Kurdish people. Taking advantage of its strategic situation in the context of the Gulf War, and on the pretext of security, it had intensified the mass deportations from villages and hamlets in the Kurdish region which it had been carrying out since 1984. It was endeavouring to create buffer zones by deporting villagers who resisted oppression, starting with the evacuated border areas, followed by the mountainous areas in the interior of the country, with the purpose of creating a "no man's land", exterminating the Kurdish people, denying their existence, violating their rights, destroying their cultural heritage and annihilating their territory. To achieve that aim, the Turkish Government had resorted to numerous acts of massacre, arrest and torture. The inhabitants were forced to submit to the deportations. The villages were plundered and set alight, animals killed and fields and orchards burned. Anyone who resisted was killed on the spot. The massive deportations were an offence to human dignity and a violation of human rights. The World Confederation of Labour supported the recent report on the investigation carried out by the European Commission of Human Rights for the Izmir sector, which stated that the persons responsible for such deportations had undeniably violated the fundamental freedoms of the individual, the family and society set forth in the Turkish Constitution and in the Universal Declaration of Human Rights.

155. The World Confederation of Labour requested the Commission to appoint a special rapporteur to deal with the Kurdish question, and urged it to ensure that the topic was placed on the agenda of any international conference on the Middle East and that representatives of the Kurdish people could attend any such conference.

156. At the Commission's forty-sixth session, her organization had appealed to the Commission to call upon the Ethiopian Government to put an end to the violations of human rights in Ethiopia. Unfortunately, that Government was continuing its bombing activities even with the use of cluster and phosphorus bombs, killing hundreds, even thousands, of people, and destroying towns and villages as well as the fields in which the people grew their food crops. According to reliable sources, the army in several regions, including Eritrea, was so afraid that the civilians might be friendly to the so-called rebels that it had given orders to fire on anything that moved. The Government was also using the hunger weapon particularly against the population of Asmara, whose reserves of food, water and fuel were practically exhausted. The various organizations which had endeavoured to bring relief to the starving people of Eritrea and Tigre had also been a target of the Ethiopian army. Those people and others far removed from the Gulf War could die without arousing any world protest. The World Confederation of Labour reiterated its appeal to the United Nations to use its good offices to find a just and peaceful solution to the armed conflicts in that region of Africa.

157. The World Confederation of Labour greatly regretted that the Government of Cuba had remained unmoved by the important changes that had occurred in brotherly and friendly countries. The citizens who had tried to introduce democracy into the Government and other institutions had been rapidly disillusioned. Some of them had even been arrested and sentenced to several years' impprisonment for having dared to defend the cause of human rights. Mr. Samuel Martínez Lara, the leader of the Human Rights Party, had been sentenced to five years' imprisonment for having propounded the ideals of the International Bill of Human Rights. Her organization urged the Government of Cuba to release all its political prisoners and requested the Commission to take all the necessary measures to ensure respect for human rights.

158. In El Salvador, Guatemala, Colombia and Brazil, every day many trade unionists were the target of death threats and all kinds of intimidation aimed at making them relinquish their trade-union and human rights activities. Hundreds, even thousands, had been arrested and tortured and had endured inhuman and degrading treatment. In those countries, anyone involved in the struggle to achieve respect for human dignity ran the risk of being brutally murdered. Even children in the streets were brutally attacked by the police. Many had disappeared or had been found dead, their horribly mutilated bodies showing the atrocities they had undergone. Any Government or institution that killed its own children or allowed them to be killed was decadent and could not endure. The World Confederation of Labour called for the full implementation of United Nations resolutions on respect for human rights in those countries and requested the Commission to do everything possible to ensure that the atrocities described were brought to an end.

159. Lastly, the World Confederation of Labour denounced the Government of the USSR, which had taken advantage of the fact that attention was rivetted on to the Gulf region to crush with impunity the aspirations of the peoples of the Baltic republics and which had not hesitated to send troops who had invested a number of buildings and killed and injured several people. The Chinese Government had also taken advantage of the international crisis to go ahead, in a climate of relative indifference, with the trials of dissidents, while maintaining its re-established trade links with Japan, the United States and European countries which had denounced the Tiananmen Square massacre.

160. Mr. LOPEZ (Service Justice and Peace in Latin America) said that, on the basis of 10 years' experience as a human rights activist, he could agree that human rights violations stemmed from a confrontation between civil society and the State; but it was the military State that was responsible for the conflict.

161. In Honduras, according to the report of the Committee for the Defence of Human Rights in that country, there had, in 1990, been 85 murders in abuse of authority, 5 political assassinations, 5 summary executions of common criminals, 96 cases of torture, 357 illegal detentions, 34 unlawful house searches and 53 cases of serious bodily harm inflicted on citizens by State officials. According to a United States State Department publication, it had been reliably reported that members of the armed forces in Honduras had been responsible for summary executions and torture of detainees; and that the United States Government had formally protested at the highest civil and military levels, in view of the Government's unwillingness to investigate and try those cases and, annulled its participation in the current anti-terrorist programme. The report had gone on to say that left-wing terrorists were also responsible for human rights abuses, including the injuring and killing of a number of people in two major incidents in 1990.

162. A second report referred to an armed attack against United States soldiers in civilian clothing travelling on a private bus, and also to a bank hold-up by guerrillas, which had been foiled by the police but in which there had nevertheless been 12 deaths. The police had subsequently obstructed the judicial investigation into the case. Nor had there been any proper investigation of the attack on the foreign soldiers based in Honduran territory.

163. The areas of convergence between the two reports were far more numerous that the discrepancies. It was disturbing however, that, according to the second report, the charges made by the Committee for the Defence of Human Rights had frequently been exaggerated, poorly documented and in some cases false. The Committee was the only independent source to have had its information accepted by the World Interparliamentary Union in the case of the murder of Miguel Angel Pavón, the human rights activist. On 8 February 1991, it had made known to the Inter-American Commission on Human Rights the identity of the murderer of Francisco Bonilla, the trade-union leader, and that murderer had not been among the three scapegoats imprisoned for the crime following a so-called investigation by a commission of five colonels appointed by the President of the Republic of Honduras.

164. A movement for the defence and promotion of the rights of children and adolescents had been established in Brazil, in the early 1980s. In 1989, six private organizations had carried out a study on summary and arbitrary executions of children and adolescents, which had shown that in 424 acts of violence, 390 males and 64 females had been executed, and 333 of the victims had been adolescents. The International Commission of Jurists had informed the Sub-Commission at its last session that, according to UNICEF, more than 11 million children in Brazil were living in absolute poverty and 7 million were living in the streets. According to another source, organized activities were taking place to eliminate children in order to clean up the streets and attract tourists. Amnesty International had drawn attention to police responsibility for many of those cases, while another study had also referred to the responsibility of paramilitary forces and bands of common criminals.

165. In Colombia, according to the Andean Commission of Jurists, political violence had resulted in some 3,000 deaths or disappearances annually since 1985. In his latest report, the Special Rapporteur on Summary Executions had stated that members of the armed forces or the police who had supported paramilitary groups, hired murderers or drug traffickers should be dismissed. That recommendation was still unrealizable, however.

166. In El Salvador, despite the fact that in July 1990 the warring parties had signed an agreement on respect for human rights, the improvement achieved had been only temporary. In his last report, the Special Rapporteur had stated that the Government should prevent any threat or psychological intimidation against the civilian population, and had noted that its forces had murdered the Spanish doctor Begona García Arandigozen and 11 injured FMLN combatants. The execution of two United States military advisers on 2 January 1991 should also be condemned, and both parties to the conflict should be called upon to comply fully with the Geneva Conventions. The armed forces, who were waging a terror campaign against the opposition forces, had set fire to the offices of the only open opposition newspaper on 9 January.

167. In Guatemala, Juan Perebal Xirún, an indigenous Guatemalan, and his son, had recently been murdered in the department of El Quiché. The military authorities had indicated they appeased the United Nations by allowing themselves to receive advisory services. That was why, like many Government and NGOs, his organization urged that a Special Rapporteur should be appointed for Guatemala.

168. He expressed his organization's solidarity with the people of Western Sahara, who, since 1975, had been subjected to foreign occupation, which had led to 857 disappearances and the establishment of secret prisons for patriots who refused to accept the occupation.

169. Lastly, international terrorism had led to the murder of such opposition figures as Orlando Letellier Héctor Oquelí, Hilda Flores and Kazan Rajavi, in all cases apparently with the connivance of intelligence services, which officially condemned terrorism.

170. Ms. ALEMAN (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, despite dialogue and negotiation between the Government and the FMLN in El Salvador, violations of human rights continued. In 1990, there had been 164 forced disappearances. A 20-year-old man, Manuel de Jesus Rodas had disappeared in January 1991. On 21 January, 15 peasants had been massacred in the canton of El Zapote de Ayutuxtepeque by the First Infantry Brigade under General Francisco Elena Fuentes. The Special Rapporteur had indicated that the practice of torture existed, although in his opinion it was not an institutionalized policy. Salvadorian family committees had recorded many cases of torture by the national police, the national guard and the armed forces, which appeared to refute that opinion.

171. On the question of abductions, the Special Rapporteur recognized the authority of the Salvadorian authorities to detain persons who committed violent attacks against constitutional order when the detention and legal proceedings were in accordance with the Constitution and with international commitments entered into by the Salvadorian State. Those commitments were violated in practice and 183 prisoners were at present being held in 11 penitentiaries with no adequate infrastructure. All the prisoners had

undergone torture and none had been brought to trial. Despite assurances that there would be no further impunity, the facts were otherwise. Well known cases such as the Fenastras massacre, the murders of six Jesuit priests and two women and of Oqueli Colindres in Guatemala as well as of Monsignor Romero, had not been explained, and those responsible for them had not been tried or punished.

172. She was also concerned about the situation of repatriated persons, who had no documents and were not receiving the promised assistance. Salvadorian refugees in Nicaragua were subjected to persecution and insecurity as a result of agreements reached between the Salvadorian and Nicaraguan Governments. She urged representatives to call for the strict compliance of the parties to the conflict with the Geneva Conventions and with the agreement signed in Caracas and Costa Rica with a view to moving towards a negotiated political settlement; to implement the United Nations proposal on military reform submitted by Mr. Alvaro de Soto; to create the necessary democratic conditions for the release of political prisoners, respect for freedom of opinion and expression and the right to trade-union and political association; to make firm arrangements for a visit by the Working Group on Forced or Involuntary Disappearances; and to put an end to the suppression of organizations of relatives, trade unions, churches and humanitarian bodies.

173. Lastly, she urged the Special Rapporteur to ensure that his visit was of sufficient duration to allow a fuller assessment of the situation to be made and greater attention to be paid to the committees of relatives, which had received no mention in his report.

174. The report of the Independent Expert on Haiti (E/CN.4/1991/33), showed that in Haiti, during 1990, there had been an alarming increase in acts of violence and illegal detention without distinction as to sex or age. Once again a lack of justice in that country had been evident. The election of Father Jean Bertrand Aristide, who enjoyed impressive popular support, had raised the hopes of the Haitian people. The international community should provide assistance in all areas in order to extricate them from their backward situation and strengthen the democratic process.

175. Mrs. GARCIA (Latin American Federation of Associations of Relatives of Disappeared Detainees), speaking on behalf of the Mutual Support Group of Guatemala, said that the group which she represented was composed of people who had lost relatives through the political violence afflicting her country. They were united in their pain at the absence of their loved ones. She herself had suffered the loss of her husband, Fernando García, a trade-union leader, on 18 February 1984. His arrest by the security forces had been met with governmental indifference, false promises to investigate, complicity by the authorities and total impunity. The exhumed remains of people who had been abducted bore evidence of cruel torture. Wives, mothers and children were living in a constant and terrifying nightmare and could see no end to the inhuman slaughter and the terror of knowing that paramilitary bands and death squads were roaming the country and that, far from helping, the army was carrying out abductions, torture, massacre and murder, breaking up families, denying children the right to a complete home and creating moral and psychological injury. The impunity of those abusing their authority was the more glaring in the light of the defencelessness of the civilian population, whose only offence was to question the existing unjust legal order. The

repression had injured society, which had become divided and devalued and had debased its moral values to the point where it accepted horror and the macabre with indifference. Pain had become systematic, every day seeing more widows and homeless children. She urged the international community to be more critical and humane in observing the human rights situation in her country. Democracy should not be confused with elections and civil Government. The Commission had given the benefit of the doubt and a vote of confidence to the Christian Democratic Government of Mr. Vinicio Cerezo, at the social cost of 4,495 disappearances and 4,332 murders over five years. According to information received from the office of the Procurator for Human Rights, there had, in 1990, been 304 reported murders and 232 detentions or disappearances, and her organization had reported 1,513 murders and 238 disappearances of detainees in 1990. Further examples were those of Michael Devine, a United States citizen, who had been abducted on 8 June 1990 by members of the armed forces and whose body had later been found showing unmistakable signs of torture; the United States nun, Diana Marck Ortíz, who had been abducted, raped and horribly tortured, the mass abductions and disappearances in San Lucas Tolimán; the massacre in a village of San Diego Atitlán; and the abduction and murder of Sebastian Velásquez, a member of her organization, on 6 October. Juan Perebal Morales and Juan Morales Xirún, members of the Council of Ethnic Communities in El Quiché, had been murdered on 17 February 1991.

176. She urged members of the Commission not to turn a blind eye to those painful facts. The defence of human rights was a task of everyone, without distinction as to race, creed or religion. A special rapporteur for Guatemala should be appointed not as an act of judgement on the new Government but to help it to avoid its predecessor's experience and to fulfil the promise made to its people to work for full respect for human rights.

177. The situation of enforced disappearances, murders, massacres and torture in Peru and Colombia had led her organization to show solidarity with the families of those victims, and she urged the Commission to appoint special rapporteurs for both those countries.

178. Mr. WADLOW (International Fellowship of Reconciliation) said that at the current session his organization wished to plead for reflection on how the Commission could best meet the expectations of victims of human rights violations. Although the Commission was widely regarded as a "court of last resort", its members were aware that - notwithstanding the unrealistic nature of some of the hopes placed in it, given the constraints of all types imposed on the United Nations - it often failed to live up to those hopes. There was reason for dissatisfaction at the quality of the debate, the inability to look at situations in depth and to bring about change, and the frequent lapses into a pattern of mere accusation and denial.

179. How could the Commission's pool of talent, experience and goodwill be put to better use? He wished to make three suggestions for improving the procedure for examination of gross violations.

180. Over the years the Commission had developed three approaches to dealing with violations. The first had been the creation of specialized, thematic approaches to certain types of violations: torture, disappearances, summary executions, and discrimination based on religion or belief. Non-governmental

organizations had played an important part in creating awareness of such violations, by co-operating with the special rapporteurs or working groups. There was now a need to build a wider awareness of those procedures, and of how victims could use them.

181. The Commission's second approach was to look at especially vulnerable sectors of society who lacked the power to protect themselves within a national framework: children, the handicapped, the mentally ill, the permanently indebted, indigenous populations, and - albeit to a different degree - women. Attention to those vulnerable members of society should now be better integrated into the Commission's work on gross violations.

182. The third approach was a country focus, either under the 1503 procedure or in public debates. Yet it was unrealistic to look at a single country in isolation, since what happened in one country inevitably influenced its neighbours. Refugee movements and arms flows were obvious examples of trans-frontier currents. The time had come to develop a trans-frontier, regional approach in dealing with most country situations.

183. There was also a need to make better use of the reports on the activities of non-governmental missions, as outlined in the book by Hans Thoolen and Berth Verstappen entitled Human Rights Missions: A Study of the Fact-finding Practice of Non-Governmental Organizations.

184. Mrs. PARKER (International Educational Development, Inc.) began by referring to the gross human rights violations taking place in Myanmar. On 27 May 1990, the people of Myanmar had elected a new Government that had obtained nearly 82 per cent of the vote, gaining 392 of the 485 seats in the legislature. That Government had not been allowed to take office by the old régime, which had also imprisoned a number of opposition leaders. Within the meaning of article 21 of the Universal Declaration of Human Rights, the newly elected Government was the legitimate Government of Myanmar. In an agreement announced on 18 December 1990, it had established a National Coalition Government of the Union of Burma, the first of whose declared principles was to adhere to the Universal Declaration of Human Rights. Her organization urged the Commission to address the situation in Myanmar, to appoint a rapporteur under the public procedure, and especially to require the former régime to relinquish power to the legitimate Government.

185. In conjunction with its affiliate, the Humanitarian Law Project, her organization wished to draw attention to several situations involving armed conflict law. The first also involved Myanmar - a country that had not yet ratified the 1949 Geneva Conventions, yet was engaged in internal armed conflicts with ethnic minority groups. In 1986, the International Court of Justice had ruled that all countries were at least bound by elementary principles of humanitarian law, as partially set out in common article 3 of the Geneva Conventions. The parties to the conflict were thus bound by all duties, and entitled to the rights of those provisions.

186. The internal armed conflict in El Salvador provided a current example of the duties of parties to provide means to prosecute persons alleged to have violated humanitarian law rules. A serious breach of those rules had apparently occurred on 2 January 1991, when two members of the United States

military had allegedly been executed after being taken prisoner by the opposition forces. Those forces had announced plans to prosecute the suspects in full conformity with the Geneva Conventions and humanitarian law. The Governments of the United States and El Salvador had apparently requested that the suspects should be turned over to them for trial - a procedure for which no precedent existed in international practice, according to which it was the suspects' own force that was obliged to perform that duty, under the Geneva Conventions.

187. Her organization had been heartened by the initiative of the Liberation Tigers of Tamil Eelam, on 21 December 1990, to put an end to the civil war in Sri Lanka, and by the Government's initial response to that initiative. Unfortunately, hostilities had once again broken out. Faced with a progressive erosion of their basic human rights by a Sinhala-dominated Government, the Tamil people had increasingly resorted to force to defend those rights. The situation was probably worse than at any time in the previous 10 years. According to a tally compiled by Christian missionaries, some of them Jesuits affiliated with her organization, 2,009 Tamil youths had disappeared in recent months. Since June 1990 there had been nearly 6,000 Tamil civilian casualties, with up to 60,000 deaths in the South since 1987. In spite of the worsening situation, there had been no official Commission action on Sri Lanka since 1987. Her organization strongly urged the Commission to address the ongoing armed conflict and the human rights situation in Sri Lanka, with a view to helping the parties to the conflict arrive at a cease-fire, a process of dialogue to meet the legitimate demands of the Tamil people, and full restoration of human rights to all Sinhala citizens.

188. Numerous violations of humanitarian law were also occurring in the United States-Iraq war. Her organization had submitted for publication a document outlining humanitarian law rules governing military operations, including prohibitions against attacks on the civilian population, civilian shelters, hospitals, schools, cities and towns, religious and cultural sites, nuclear power facilities and targets likely to release dangerous substances or forces, and means of warfare causing undue suffering or destruction. It urged the parties to the conflict to comply fully with those prohibitions.

189. Lastly, she wished to refer to concerns raised by an affiliated organization, the Human Rights Commission of Pakistan (HRCP), involving bonded labour in Pakistan. That organization noted with satisfaction that, through the Sub-Commission's Working Group on Contemporary Forms of Slavery, the Commission had considered a report by the Committee of Experts of the International Labour Office on the situation of bonded labour in Pakistan at its July 1990 session. The HRCP was deeply concerned that no progress had been made since then in improving that situation. Some 20 million people, including 7.5 million children, subsisted in a state of virtual slavery. The situation was illustrated by the advance bonded money system in the brick-kiln industry, a ruthless means of binding a labourer and his whole family to unquestioning service of the employer. The Supreme Court's historic judgement of 23 November 1988 against such practices had been observed mostly in the breach. None of the Governments that had been in power since that date had adopted any legislation, issued any administrative order or set up any

monitoring mechanism in pursuance of the court order. No affirmative action had been taken to abolish bonded labour. The Government of Pakistan needed to be pressed by the Commission for urgent and meaningful action, and for reports on progress.

190. Mr. ROA (Cuba), speaking in exercise of the right of reply, said that, unlike Mr. Blackwell, the United States representative, who claimed the duty to defend human rights on the grounds of being the great-great-grandson of slaves, he himself was the great-grandson of a colonel in Cuba's War of Independence, that had freed the African slaves in his country. Together with his father, he had fought for the social emancipation and true freedom of his country, which the American author Leland Jenks had described in the 1930s as "our Cuban colony". He thus had every reason to defend the primacy of human rights, given that, like all his compatriots, he had also achieved through revolution what José Martí had called "the right to think and speak without hypocrisy". That was a far cry from the hypocrisy of the United States Government, which apportioned blame in every quarter, forgetting that its own warplanes, which had brought death to the humble districts of Panama the previous year, were now releasing thousands of bombs on the civilian population of Iraq, on the homes and refugees of non-combatants in Baghdad and Basra, as reported by the Cuban doctors and nurses providing humanitarian assistance in Iraqi hospitals.

191. Cuba had not taken, and was not taking, reprisals against those who had spoken to the mission led by Ambassador Sene which had visited the country in 1988. The persons arrested since that date were, without exception, guilty of breaking the law, and had been duly sentenced by the courts. The fact that they had been interviewed by the mission gave those persons no right to enjoy immunity before the law. One of the alleged "victims of reprisals", the "human rights activist" Tania Díaz Castro, had recently told Agence France Presse in Havana that she had "been disappointed by the United States officials", and that the so-called human rights activists in Cuba were "simply stupid soldiers" manipulated by the United States Interests Section in Havana.

192. On 18 February the United States delegation had circulated an anti-Cuban draft resolution in which, astonishingly, reference was made to the report of the Secretary-General on his contacts with the Cuban Government, and containing proposals to the Commission for various measures against Cuba. In other words, three days before the announcement that morning by the Under-Secretary-General, Mr. Martenson, that the report of the Secretary-General would be published shortly, the United States delegation had been making known proposals which were supposed to be based on, or to take account of, the Secretary-General's unpublished report. That illustrated once again that the alleged "concern" of the United States for human rights in Cuba concealed its loathing for the revolution, and its desire to foist a political vendetta against Cuba on the Commission, regardless of the facts, and even of the truth.

193. He had no knowledge of any individual dying while in the hands of the Cuban police, as claimed by Mr. Blackwell in his statement. What he could affirm categorically was that no one in Cuba, least of all the authorities, would commit a crime of that nature. Such practices were repugnant to his country, and would not go unpunished. Mr. Blackwell would do well to remember the death, in Florida the previous year, of a black motor-cyclist whom a

police officer had decided to execute on the public highway, "for speeding". Nor would he be unaware of the barely human conditions endured by a considerable number of his black compatriots, 200 years after the Declaration of Independence, in a country that boasted of being the richest in the world. Nothing conquerable occurred in Cuba, which, nevertheless, Mr. Blackwell sought to accuse of violating human rights. The boundless cynicism of the United States Government's acts found a cogent answer in every Puerto Rican patriot in the United States, in every United States citizen condemned to die 30 years before his white compatriots, in every Vietnamese village destroyed, in every child killed by its aeroplanes in Baghdad or Basra. History would not judge its crimes leniently.

194. Lastly, he referred to the statement made earlier by the representative of the World Confederation of Labour. He assured the representative that Alfredo Samuel Martínez Lara had been sentenced on 5 February 1991, in case 1027/89. As a result of his co-operation and good conduct, he had been sentenced to three years' house imprisonment, and not to five years' ordinary imprisonment, as the representative had claimed. Martínez Lara had a long history of counter-revolutionary activities and of association with the CIA. Jesús Carbonell, like Martínez Lara the leader of a group of human rights activists, had testified at the trial. However, Carbonell, whom officials of the United States Interests Section in Cuba had described as the Cuban Lech Walesa, was in fact a Cuban security agent, who had revealed the links between those groups' the United States Special Services, and the United States Interests Section.

195. Mr. SCHWARTZ (United States of America), speaking on a point of order, asked that the representative of Cuba and others use appropriate language in referring to delegates, and not personalize the debate by referring repeatedly to individuals by name. The United States representative should be accorded the respect due to the representative of any Government, observer Government or non-governmental organization.

196. Mrs. KIRONGOZI (Zaire), speaking in exercise of the right of reply, said that her delegation had followed attentively the accusations levelled against Zaire by the International Human Rights Law Group. She referred the Group and other non-governmental organizations that had prepared statements on the multi-party system in Zaire, the Lubumbashi case, freedom of the press, etc. to the statement made that morning by the Deputy Prime Minister and Special Adviser to the President of the Republic, as well as the various reports submitted the previous day to the Commission secretariat by the Minister in Charge of Human Rights. Those documents contained replies to the concerns they had voiced.

197. Mr. SOKHONA (Mauritania), speaking in exercise of the right of reply, said that no country presented an idyllic picture where human rights were concerned. Mauritania did not; but then neither did the United States of America. Mauritania was a young nation, but it had laws, institutions and means of redress for any citizen who was the victim of any abuse. Respect for human rights and the dignity and value of the human person was inherent in the culture of the Mauritanian people. It was not merely based on some Declaration, but was profoundly rooted in its history. Islam, the religion of the entire population, was based on equality and respect for the human person. It excluded any form of discrimination or oppression. Thus, the

cultural heritage of promoting human rights and respect for the human person flowing from Mauritania's international commitments was the goal of its daily activity. Consequently, it rejected the allegations made that morning by the United States delegation, and hoped that in the future that country would make fairer and more objective contributions to the proceedings.

198. Mr. GEBRE-MEDHIN (Ethiopia), speaking in exercise of the right of reply, rejected the allegation by the World Confederation of Labour that his Government had deliberately violated human rights in northern Ethiopia. That organization had once again chosen to regurgitate charges that his delegation had categorically rejected in the past. Unfortunately, deliberate distortions and actions governed by heinous motives were harder to correct than mistaken impressions. It had been alleged that relief assistance was being blocked, and that the people of Asmara were being deliberately starved. Such deliberate distortions of fact clearly demonstrated the ill intentions of that organization. The world at large was by now aware that, under the auspices of the United Nations World Food Programme, food shipments had begun to reach the people of Asmara in January 1991, through the port of Massawa. Incidentally, entry of the relief had been blocked in the first place by the secessionist group. Members of the Commission would doubtless recall that food was being delivered and distributed to the administrative district of Tigre by a number of local non-governmental organizations, under a partnership known as the Joint Relief Programme. How could food be delivered to the people of that area if those organizations were the target of military action, as was falsely claimed by the speaker?

199. His delegation totally rejected the allegation that cluster bombs had been used. Proof to the contrary was the fact that no such weapons existed in the arsenals of the Ethiopian army. If the representative of the World Confederation of Labour had a genuine concern for human rights, she would have sought to ensure that her information was accurate. She could have given prominence to the efforts and initiatives of the Ethiopian Government to find a peaceful solution to the conflict in that part of the country. Was it lack of information, or inability to appreciate those positive measures, that had made her omit any reference to the current meetings in Washington between representatives of the Government and the secessionist group with a view to seeking a negotiated settlement of the problem? His delegation left it to the Commission to decide.

The meeting rose at 8.55 p.m.